

BEFORE THE MARYLAND REAL ESTATE COMMISSION

MARYLAND REAL ESTATE
COMMISSION

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CASE NO. 2023-RE-577

V.

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ALEXSANDRA RODRIGUEZ,
Respondent

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* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Real Estate Commission (“Commission”) as the result of a complaint filed by Rudy Saravia (“Complainant”) against Alexandra Rodriguez (“Respondent”). Based on the complaint and an investigation, the Commission issued a Statement of Charges and Order for Hearing against the Respondent dated July 11, 2024 (“Charge Letter”) and transmitted this matter to the Office of Administrative Hearings (“OAH”) for a hearing. By a Notice of Hearing dated August 19, 2024, the OAH scheduled this matter for hearing on November 18, 2024. To resolve this matter without a formal hearing, the Commission and the Respondent have agreed to enter into this Consent Order and Settlement Agreement to provide for the imposition of disciplinary measures that are fair, equitable, and consistent with the best interest of the people of the State of Maryland.

The Commission and the Respondent agree and stipulate as follows:

1. At all times relevant to the matters set forth in this Consent Order and Settlement Agreement, the Commission has had jurisdiction over the subject matter and the Respondent.
2. The Commission currently licenses the Respondent as a real estate salesperson affiliated with First Decision Realty, LLC, license registration number 05-661247.
3. In the Statement of Charges and Order for Hearing issued on July 11, 2024, the Commission alleged the following facts:
 - a. The charges against the Respondent arise out of a contract of sale for the Complainant to purchase 512 Drum Avenue, Capital Heights, Maryland (“property”).
 - b. The Respondent was the Complainant’s buyer’s agent for the purchase of the property.
 - c. On or about January 13, 2023, Complainant viewed the property and decided to make an offer to purchase the home.
 - d. The next day, the Respondent drafted the contract of sale and electronically signed the document on behalf of the Complainant without Complainant’s permission.
 - e. On January 16, 2023, the Respondent presented the residential contract of sale to the seller which was promptly accepted and ratified.

- f. Pursuant to the property inspections addendum, a home inspection was performed on January 18, 2023.
- g. The Respondent told the Complainant not to attend the home inspection.
- h. The home inspection found that there was not cooling system at the Property
- i. The Complainant is a native Spanish speaker and the documents were not properly explained to him in Spanish.

4. The Respondent neither admits nor denies the facts described in the Statement of Charges and Order for Hearing but desires to resolve this matter without the necessity of a formal hearing.

5. The Respondent consents to the entry of an Order by the Commission finding that the Respondent violated and is subject to Md. Code Ann., Business Occupations and Professions Article, §17-322(b)(25) and (33), as well as Code of Maryland Regulations 09.11.02.02A, which provide:

§17-322 Denials, reprimands, suspensions, revocations, and penalties—Grounds.

(b) Grounds: Subject to the hearing provisions of §17-324 of this subtitle, the Commission may deny a license to any applicant, reprimand any licensee or suspend or revoke a license if the applicant or licensee:

(25) engages in conduct that demonstrates bad faith, incompetency, untrustworthiness or that constitutes dishonest, fraudulent or improper dealings

(33) violates any regulation adopted under this title or any provision of the code of ethics

COMAR 09.11.02.02

A. In accepting employment as an agent, the licensee shall protect and promote the interests of the client. This obligation of absolute fidelity to the client's interest is primary, but it does not relieve the licensee from his statutory obligations towards the other parties to the transaction.

6. The Respondent further consents to the entry of an Order by the Commission imposing a civil penalty of three-thousand dollars (\$3000) based upon the violations and ordering the Respondent to pay the three-thousand-dollar (\$3000) civil penalty within sixty (60) days of the date of this Consent Order and Settlement Agreement.

7. The Respondent further consents to the entry of an Order by the Commission that should the Respondent fail to pay the three-thousand-dollar (\$3000) civil penalty within sixty (60) days of the date of this Consent Order and Settlement Agreement, the Respondent's real estate license registration number 05-661247, and any other real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as Respondent has made the payment in full.

8. By entering into the Consent Order and Settlement Agreement, the Respondent expressly waives the right to an administrative hearing before the OAH, the making of Findings of Fact and Conclusions of Law by an Administrative Law Judge, any further proceedings before the Commission, and any rights to appeal from this Consent Order and Settlement Agreement to any court of competent jurisdiction.

9. The Respondent agrees and acknowledges that she enters this Consent Order and Settlement Agreement knowingly, intelligently, voluntarily, and willingly having read this Consent Order and Settlement Agreement in full after consulting with private counsel of the Respondent's choosing at the Respondent's expense.

10. The Respondent acknowledges and agrees that this Consent Order and Settlement Agreement shall constitute the Commission's Final Order concerning Case No. 2023-RE-557 and that the Commission may consider this Consent Order in connection with, and in deciding, any subsequent action or proceeding before the Commission, and that this Consent Order may, if relevant, be admitted into evidence in any matter before the Commission, its designee, and any court of competent jurisdiction.

11. The parties agree that this matter shall be withdrawn from the OAH docket for settlement purposes pursuant to COMAR 09.01.03.07.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 19 DAY OF NOVEMBER, 2024 BY THE MARYLAND REAL ESTATE COMMISSION:

ORDERED that the Respondent's has violated BOP §17-322(b)(25) and (33) and COMAR 09.11.02.02A, it is further,

ORDERED that based on the violations, the Respondent shall pay a civil monetary penalty of \$3000 within sixty days of the date of this Consent Order and Settlement Agreement, and it is further

ORDERED that should the Respondent fail to pay the three-thousand-dollars (\$3000) civil penalty within sixty (60) days of the date of this Consent Order and Settlement Agreement, the Respondent's real estate license registration number 05-661247, and any other real estate licenses that the Respondent holds, shall be automatically suspended and shall continue to be suspended until such time as Respondent has made the payment in full; and it is further

ORDERED that the Commission's records and publications reflect the violation and civil penalty imposed on the Respondent.

MARYLAND REAL ESTATE COMMISSION:

By: 
SCOTT LEDERER, EXECUTIVE DIRECTOR

AGREED:

AuthentiSIGN
Alexandra Rodriguez

11/15/24

ALEXSANDRA RODRIGUEZ, RESPONDENT

DATE